

FISCAL NOTE

HB 3666 - SB 3909

February 24, 2008

SUMMARY OF BILL: Requires a person convicted of aggravated robbery or especially aggravated robbery offenses committed after July 1, 2008, to serve 100 percent of the sentence imposed by the court undiminished by any sentence reduction credits. Such persons are ineligible for pretrial diversion, probation or parole prior to service of the entire sentence.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$98,252,200/Incarceration*

Assumptions:

- Under current law, a person who commits aggravated robbery must serve a minimum of 85 percent (100 percent minus a maximum reduction of 15 percent for sentence reduction credits) only if the person has at least one prior conviction for aggravated robbery or especially aggravated robbery. A person convicted of aggravated robbery, with no prior conviction, would be sentenced for a Class B felony at 30 percent. Especially aggravated robbery is a Class A felony with a sentencing range of 15 to 60 years and the offender must serve a minimum of 85 percent of the sentence imposed by the court.
- According to the Department of Correction (DOC), there has been an average of 36 admissions per year for the past five years for especially aggravated robbery. Under this bill, these inmates would serve an additional three years (an increase from 17.0 years to 20.0 years). According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth would result in four additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 40 offenders serving additional time on their sentences. The cost per inmate at 17 years is \$389,816.72 (\$62.78 x 6,209.25 days). The cost per inmate at 20 years is \$458,607.90 (\$62.78 x 7,305 days). The additional cost from increasing the average sentence from 17.0 years to 20.0 years is \$68,791.18 (\$458,607.90 - \$389,816.72). The total

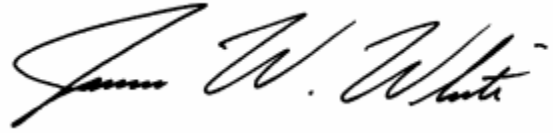
additional operating cost for 40 offenders is \$2,751,647.20 (\$68,791.18 x 40).

- According to the DOC, there has been an average of 712 admissions per year for the past five years for aggravated robbery. Estimate assumes that eight percent (57) of those inmates would have had a prior conviction for aggravated robbery or especially aggravated robbery and would already be serving a minimum of 85 percent of their sentence. Under this bill, these inmates would serve an additional 1.2 years (an increase from 6.8 years to 8.0 years) in the first year. Population growth would result in seven additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 64 offenders serving additional time on their sentences. According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 6.8 years is \$155,926.69 (\$62.78 x 2,483.70 days). The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The additional cost from increasing the average sentence length from 6.8 years to 8.0 years is \$27,516.47 (\$183,443.16 - \$155,926.69). The total additional operating cost for 64 offenders is \$1,761,054.08 (\$27,516.47 x 64).
- Under this bill, the remaining 92 percent (655) would serve a minimum of 85 percent rather than the current 30 percent of their sentence regardless of the number of convictions for aggravated robbery. 655 persons would be convicted of the Class B felony offense of aggravated robbery and would serve 100 percent of the sentence imposed by the court less earned sentence credits as a result of this bill. These offenders would serve an additional 5.6 years (an increase from 2.4 years to 8.0 years).
- Population growth will result in 75 additional offenders serving additional time in the tenth year as a result of this bill. The maximum cost in the tenth year is based on 730 offenders. The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The cost per inmate at 8.0 years is \$183,443.16 (\$62.78 x 2,922 days). The additional cost from increasing the average sentence length from 6.8 years to 8.0 years is \$128,410.21 (\$183,443.16 - \$55,032.95). The total additional operating cost for 730 offenders is \$93,739,453.30 (\$128,410.21 x 730).
- According to the Board of Probation and Parole, in the past five years 1,998 offenders or 3.5 percent of the total population convicted of aggravated robbery or especially aggravated robbery were paroled. This bill would not significantly decrease the caseloads of BOPP officers and would not have a significant fiscal impact on the Board.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/lsc